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Of Attorneys for City of Albany, Don O'Malley, Phil McLain, Joe W. Simon,
Dale White, Steve Corder, and Ryon McHuron.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL HUDGINS,

Plaintiff,

Case No. CV-02-6040-TC

v.

CITY OF ALBANY, PAT MERINA, DON
O'MALLEY, PHIL McLAIN, and JOE W.
SIMON,

DEFENDANT CITY OF ALBANY'S
MOTION TO REDUCE AMOUNT OF
JUDGMENT PURSUANT TO OR. REV.
STAT. 30.270(1)(B) AND 42 U.S.C. §
1981a(B)(3)(C)

Defendants.

L.R. 7.1 CERTIFICATION

Pursuant to L.R. 7.1, counsel for defendant City of Albany certifies that she has made a good faith effort to resolve the issues in dispute with plaintiff's counsel, and has been unable to do so.

MOTION

Pursuant to Fed. R. Civ. Pro 59(e), defendant City of Albany ("the City") moves the court for an order reducing the judgment as follows:

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DEFENDANT CITY OF ALBANY'S MOTION TO
REDUCE AMOUNT OF JUDGMENT PURSUANT
TO OR. REV. STAT. 30.270(1)(B) AND 42 U.S.C.
§ 1981a(B)(3)(C)

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1. Reducing the damages awarded in verdict 6B (Title VII and Or. Rev. Stat. 659A.030; retaliation for reporting discrimination) to \$492,000 pursuant to 42 USC § 1981a(b)(3)(C), Or. Rev. Stat. 30.270(1)(b) and Or. Rev. Stat. 659A.885.

2. Reducing the damages awarded in verdicts 6C - E (retaliation by a public entity for whistleblowing in violation of Or. Rev. Stat. 659A.203; retaliation for reporting criminal activity in violation of Or. Rev. Stat. 659A.230; intentional infliction of emotional distress) to \$200,000 pursuant to Or. Rev. Stat. 30.270(1)(b) and Or. Rev. Stat. 659A.885.

This motion is supported by the pleadings on file in this case, the attached separately-filed memorandum of law, and the attached separately filed affidavit of David Shaw.

DATED this 2nd day of June 2005.

HOFFMAN, HART & WAGNER, LLP

By: Kimberlee C. Morrow
James P. Martin, OSB No. 81306
Kimberlee C. Morrow, OSB No. 83028
Of Attorneys for City of Albany, Don O'Malley,
Phil McLain, Joe W. Simon, Dale White,
Steve Corder, and Ryon McHuron.


CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of June, 2005, I served the foregoing DEFENDANT CITY OF ALBANY'S MOTION TO REDUCE AMOUNT OF JUDGMENT PURSUANT TO OR. REV. STAT. 30.270(1)(B) AND 42 U.S.C. § 1981a(B)(3)(C), on the following parties at the following addresses:

Martha Walters
Charles M. Zennaché
Walters Romm Chanti & Dickens PC
245 E 4th AVE
Eugene, OR 97401

Robert Wagner
Miller & Wagner
2210 NW Flanders ST
Portland, OR 97210

by mailing to them a true and correct copy thereof, certified by me as such, placed in sealed envelopes addressed to them at the addresses set forth above, and deposited in the U.S. Post Office at Portland, Oregon on said day with postage prepaid.



Kimberlee C. Morrow